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WATERS' PAMPHLET

OF THE

PUBLIC LAWS

OF

GEORGIA,

PASSED AT THE EXTRA SESSION IN MARCH

1864.

Embracing many important Acts and Resolutions; among them

[illegible] exemptions,
[illegible]
[illegible] evidence,
[illegible] soldiers' families,
[illegible] service in State,
[illegible]
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A R[illegible] of Congress,
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[illegible] the writ of Habeas Corpus,
[illegible] are exempt from [illegible]

COMPILED AND PUBLISHED BY AUTHORITY

OF THE

GENERAL ASSEMBLY,

BY

H. H. WATERS, Sec'y. Ex. Dept.

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1864.

PREFACE.

The following publication of the Acts of a public and general character, passed at the late called session of the General Assembly, is made by direction of the Governor, in pursuance of a joint resolution assented to 18th March, 1864; which is as follows:

"*Whereas* great inconvenience is felt by the citizens of this State, in the delay of the publication of the laws enacted by the General Assembly, be it therefore,

Resolved by the Senate and House of Representatives, That the Governor of this State cause to be collected and published in a convenient form, all the public or general laws, so soon as the same shall receive his approval; and that one copy of the same be sent to each of the Judges of the Supreme and Superior Courts, and a copy to the Clerks of the Superior and Inferior Courts and the Ordinaries of each of the several counties of this State, and to the members of the legislature; and that the expenses of said publication be paid for from the Treasury of this State."

H. H. WATERS.

Executive Department, Milledgeville March 21, 1864.

PUBLIC LAWS.

(No 1.)

An Act to reduce the bonds of Receivers of Tax Returns and Tax Collectors of this State, and to repeal so much of the one hundred and forty sixth section of the Code, as limits the securities on said bonds to the number of five.

SECTION I. *Be it enacted by the General Assembly of Georgia*, That from and after the passage of this Act, all bonds hereafter taken from the Receivers of Tax Returns for the faithful discharge of their duties, shall be taken for half of the amount of the State tax supposed to be due from the county for the year in which said officers shall give bond; the amount of said bonds to be filled up by the Comptroller General before being sent out to the several counties from the Executive office.

SEC. II. *Be it further enacted*, That from and after the passage of this Act, all bonds hereafter taken from Tax Collectors, shall be taken for thirty-three and one third per cent more than the State tax supposed to be due from the county for the year for which said officer is required to give bond; the amount of said bonds to be filled up by the Comptroller General before being sent out to the several counties from the Executive office.

SEC. III. *Be it further enacted*, That the 146th section of the Code of Georgia be amended by striking out the word five, and inserting ten, so as to make it read 'such bonds shall not be approved by the approving officers, unless they have at least two good and solvent sureties, and not more than ten.

Approved March 17, 1864.

(No. 2.)

An Act to amend the 15th section of an Act entitled an Act to reorganize the militia of the State of Georgia, and for other purposes, approved December 14th, 1863.

SECTION I. *The General Assembly of the State of Georgia do enact*, That the following words shall be added to the said

fifteenth section: But all persons to whom certificates of disability may be granted by district Surgeons, shall be subject to re-examination at least once a year, except those to whom said Surgeons may grant certificates of permanent disability.

SEC. II All laws and parts of laws militating against this Act be, and the same are hereby repealed.

Assented to March 18, 1864.

(No. 3.)

An Act to amend the 1670th section of the Code of Georgia.

SECTION I. *The General Assembly of Georgia do enact*, That from and after the passage of this Act, the following shall be good grounds for a total divorce in favor of any loyal female a resident of the State of Georgia: 1st. That her husband is in the military service of the United States. 2d. That her husband has been, or is voluntarily within the lines of the enemy, furnishing them aid and comfort.

SEC. II. *Be it further enacted*, That all conflicting laws be, and the same are hereby repealed.

Assented to March 18, 1864.

(No. 4.

An Act to admit copies of deeds and other instruments, in evidence, when the originals are in the United States.

SECTION I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this Act, in all cases now pending, or hereafter instituted, the fact that a deed, bond, or any other instrument which would be legal evidence if offered as such, is in the United States or either of them, shall form the same foundation for the introduction of secondary evidence, as the loss or destruction of the paper would do; and the preliminary fact shall be proved in the same manner as such loss or destruction would have to be proved.

Assented to March 18, 1864.

(No. 5.)

An Act to authorize the Governor to impress, in certain cases, the rolling stock of Rail Roads, either of this State, or to be found in this State, not being in use at the time of said impressment, or other conveyance, for the purpose of transporting supplies and provisions purchased or ordered hereafter to be purchased, under any law of this State, for the indigent families of soldiers, on paying just compensation.

SECTION I. *The General Assembly do enact*, That the Govern-

or shall have power whenever he may deem the necessity of the case may require it, to impress any rolling stock of any of the Rail Roads of this State, or other conveyance, or of any to be found in this State, when the same is not in use by said Rail Roads or other owners thereof, for the purpose of transporting supplies purchased for the indigent families of soldiers under any law of this State.

SEC. II. *And be it further enacted*, That said impressment being made, he shall have power to use the Rail Road tracks in this State for said rolling stock, making proper and suitable arrangements with the authorities controlling the same for that purpose, on such terms as are usual in such cases; *provided* nothing shall in this act be so construed as to authorize an interference with the transportation on any of said Rail Roads, with the armies of the Confederate States, or the supplies for the same.

SEC. III. *And be it further enacted*, That such compensation shall be paid by the Governor, for the use of said rolling stock of Rail Roads, as well as the tracks of such other roads over which it is passed, as is usual and customary in such cases with Rail Road corporations.

SEC. IV. *And be it further enacted*, That if any other conveyance is impressed under this Act, and disagreement arises as to the compensation to be paid, the same shall be determined by three assessors, one to be chosen by the State, and proprietor or owner of said conveyance, respectively, and the third, by the two thus selected; and their decision shall be the measure of compensation to be paid.

SEC. V. *And be it further enacted*, That the expense of the transportation of said supplies, is to be paid out of moneys already appropriated for the support of indigent soldiers' families for the year 1864, and to be deducted from the amounts due those for whose benefit said expenses are incurred.

SEC. VI. *Be it further enacted*, That this act shall take effect from its passage.

Assented to March 19, 1864.

(No. 6.)

An Act, to exempt certain persons from service in the Militia of the State of Georgia.

SECTION I. *Be it enacted*, That the following named persons, in addition to those already declared exempt, shall be exempted from militia duty under the Act of the General Assembly, approved 14th December, 1863; All State Tax Receivers, one editor of each newspaper published on the 14th of December, 1863, and as many persons employed in

printing and publishing the same, as the editor may on oath declare to be absolutely essential to its publication; and all ministers of religion, duly authorized to preach according to the rules of their sect, in the regular discharge of ministerial duties.

SEC. II. All conflicting laws are hereby repealed.

Assented to March 19, 1864.

(No. 7.)

An Act to require the Reporter of the Supreme Court to publish the decisions of the Supreme Court, in pamphlet form.

SECTION I. *Be it enacted by the General Assembly of Georgia*, That the Reporter of the Supreme Court shall publish, as soon as possible after each session of the Supreme Court, the decisions thereof, in pamphlet form, instead of bound volumes. And said reporter shall furnish to the Clerks of the Superior Courts of each county, three copies of his reports in pamphlet form, to be paid for out of the contingent fund of this State.

Assented to March 21, 1864.

(No. 8.)

An Act to allow persons to administer upon property in the county to which it has been moved for security from the enemy.

WHEREAS, In consequence of the insecurity of property in the vicinity of the enemy, and in places imminently exposed to the depredations of the enemy, that belonging to the estates of deceased persons, in many instances, has been moved away before being administered upon, and administration cannot be had under the existing law, greatly to the injury and inconvenience of persons interested.

SECTION. I. *Therefore, be it enacted by the Senate and House of Representatives in General Assembly met, and it is hereby enacted by authority of the same*, That in all cases, where on account of the insecurity aforesaid, property belonging to the Estates of deceased persons has been moved to a county other than the one in which the deceased lived, the same may be administered upon in the county to which it has been moved, in the same manner, and under the same restrictions as is now allowed by law for administering upon property in the county in which the deceased lived at the time of his death.

SEC. II. All laws and parts of laws militating against this Act, be and the same are hereby repealed.

Assented to March 19, 1864.

(No. 9.)

An Act to amend an Act entitled an Act to further provide for the suppression of unlawful distillation of grain and other commodities in this State, assented to December 3d, 1863.

SECTION I. *The General Assembly do enact,* That from and after the passage of this Act, the before recited act be amended as follows: The word "twenty" in the first paragraph be stricken out, and the word "five" be inserted in lieu thereof, and that after the word "time,' the following words be inserted: "or any other time to which said cause may be continued upon legal showing, not to exceed twenty days from the date of issuing the warrant." And in the section second of said Act. that the words "unlawful sales," be stricken out, and the words "sales of spirituous liquors contrary to any existing law have been," be inserted.

SEC. II *Be it further enacted,* That in the fifth section of the before recited Act, after the word "freeholders," insert the following words; "whom such Judge or Justice are authorized to have summoned, and who shall be subject to the same penalties as are now prescribed for defaulting jurors in case of refusal to attend."

SEC. III. *Be it further enacted,* That the following section be added to the Act of which this is amendatory; That all cases under this Act shall be tried at the county town of the county, or in the district where the defendant resides.

SEC. IV. *Be it further enacted,* That all conflicting laws be, and the same are hereby repealed.

Assented to March 19, 1864.

(No. 10.)

An Act to require the Railroad Companies of this State, as well as the Western and Atlantic Railroad, to keep water and lights in the cars for passengers, in their respective trains.

SECTION I. *The General Assembly of Georgia do enact,* That from and after the passage of this Act, all Railroad Companies in this State, as well as the Western and Atlantic Railroad, shall keep in each passenger car, or in any car in which passengers are transported, an adequate supply of good, pure drinking water, at all hours during the day and night, and lights during the night, for the use of the passengers; and upon the failure thereof, shall be liable to pay a fine of five hundred dollars for each and every offence.

SEC. II. *Be it further enacted,* That any Conductor or agent of said Roads being requested by any passenger to furnish a sufficient supply of water to the passengers in each car in the day or night, and light at night, and shall pass

any depot or station without so doing, shall be liable to a fine of one hundred dollars, and to be indicted before the Grand Jury in any county through which said Railroad runs, of which they are agents or Conductors.

SEC. III. It shall be the duty of all Judges of the Superior Courts of this State, to give this Act specially in charge to the Grand Juries in their respective Courts.

SEC. IV. All conflicting laws are hereby repealed.

Assented to March 21, 1864.

(No. 11.)

An Act for the relief of Habersham county and all other counties in this State alike destitute, and for other purposes.

SECTION I. *The General Assembly of the State of Georgia do enact*, That the Quartermaster General of this State is hereby authorized and required to purchase and ship to such point on the Railroad as the Justices of the Inferior Court of Habersham county may designate, such amount of corn as the Governor in his discretion may order, not to exceed ten thousand bushels; such corn to be delivered to the order of the Justices aforesaid, upon the payment of the cost of said corn and the freight thereon; *provided*, the person or persons applying for said corn shall file his or her affidavit that said corn is for the use of the citizens of said county and not for the purpose of speculation or distillation.

SEC. II. *And be it further enacted*, That the benefits and privileges of this Act shall be extended to any county in this State alike destitute with the said county of Habersham.

SEC. III. *Be it further enacted*, That it shall not be the duty of said Quartermaster General to make any purchase under this Act, until the Justices of the Inferior Court of the several counties claiming the benefits of this Act, shall have certified under oath to his Excellency the Governor, the amount of corn in their judgment absolutely necessary for the people of their respective counties, and the Governor shall have informed said Quartermaster General what amount, in his judgment, ought to be furnished to each county making such application; and then it shall be his duty at once to purchase and ship as much of said corn as can be procured.

SEC. IV. *And be it further enacted*, That it shall be the duty of his Excellency the Governor, to draw his warrant on the Treasury for the amount of money necessary to pay for the purchase and transportation of said corn, to be paid out of any money in the Treasury not otherwise appropriated.

SEC. V. *And be it further enacted*, That the money received from the several counties for said corn, shall be paid into the Treasury by said Quartermaster General.

Assented to March 21, 1864.

(No. 12.)

An Act to authorize Administrators, Executors and Guardians to invest in Confederate States four per cent bonds.

SEC. I. *Be it enacted, &c.*, That from and after the passage of this Act, it shall be lawful for Administrators, Executors, Guardians and Trustees, to invest what money they may have on hand in Confederate Treasury notes, prior to the first of April next, in bonds of the Confederate States bearing four per cent per annum interest.

SEC. II. *Be it further enacted*, That all laws and parts of laws militating against the same be, and the same are hereby repealed.

While I do not approve of the policy of investing the estates of orphans and persons represented by Trustees, in the present depreciated currency, I assent to this Act to avoid injustice to Trustees and other fiduciary agents who have, in good faith, received Confederate notes before the passage of the late act of Congress.

JOSEPH E. BROWN, Governor.

March 21, 1864.

(No. 13.)

An Act extending the time for county officers filing their bonds and taking out Commissions.

SECTION I. *The General Assembly of the State of Georgia do enact*, That the Sheriffs, Clerks of the Superior and Inferior Courts, Ordinaries, Tax Collectors, Coroners, and county Surveyors of this State, be, and they are hereby allowed until the first day of June in each year, and Tax Receivers until the first day of April next, to take up their Commissions from the Inferior Courts and to perfect their bonds, and that the provisions of this Act shall be applicable to said officers who were elected in January last.

SEC. II. *Be it further enacted*, That all laws conflicting with this Act are hereby repealed.

Assented to March 21, 1864.

(No. 14.)

An Act to exempt from taxation, cotton and other property owned by our Confederate States Government, in this State; and for other purposes.

SECTION I. *The General Assembly of Georgia do enact*, That from and after the passage of this Act, in ad-

dition to lands, mines and minerals of our Confederate States Government now exempt from taxation, all cotton or other property held and owned in this State, by the Confederate States Government, be, and the same is hereby exempt from taxation.

SEC. II. *Be it further enacted*, That where any cotton belonging to the Confederate States Government has been returned for taxation during this year, and the taxes been paid to any Tax Collector, said officer is hereby authorized to release said property from taxation, and to refund the money collected on the same for tax.

Assented to March 21, 1864.

(No. 15.)

An Act to encourage the organization of a Navy.

WHEREAS, It is recognized by the law of nations to be a right of beligerents in time of war, as far as may be in their power, to destroy the enemy's commerce, in order to weaken the foundation of his Naval power, and to use all means of capturing or of driving from the Sea, the fleets of the enemy, both merchantile and warlike, for the purpose of crippling him, and bringing him to terms and producing peace; and whereas, the Confederate Congress, relying upon these impartial principles of international law, and actuated by the laudable desire of encouraging the people to enter upon this most effectual field for injuring our enemy and constraining him to honorable terms of pacification, heretofore to-wit: on the 18th day of April, 1863, passed an act to establish a volunteer Navy. Now, therefore, for the purpose of promoting the laudable policy of the Confederate Government in this particular, and to give such further encouragement as may be in our power to the organization of a Navy.

SECTION I. *The General Assembly of Georgia do enact*, That private corporations having for their object to operate under the Act of the Confederate Congress aforesaid, may be formed by any number of the citizens of this State, by complying with the following provisions, to-wit: A declaration of the applicants specifying the objects of their associations, and the business they propose to carry on, together with their Corporate name, and the time, not exceeding thirty years, they desire to be incorporated, signed by the Stockholders and accompanied by the oath of the President, taken before some person authorized to administer oaths, of the amount of capital in money or property at its sworn valuation, actually paid in and employed, or to be

employed by such corporation, shall be filed in the office of the Governor of Georgia—whereupon His Excellency the Governor, upon being satisfied of the good faith of the parties concerned, shall cause record thereof to be made, and issue to the Company a certificate of incorporation.

SEC. II. *Be it further enacted by the authority aforesaid*, That it shall be a violation of the charter of any company thus organized, to enage in what is commonly called running the Blockake, for the purpose of bringing in cargoes of goods whether assorted or not on private account; but it shall be lawful for them to bring into any of the ports of the Confederate States, any goods, wares and merchandise allowed by the laws of the Confederacy, under written permit, or by written request, or contract of His Excellency the Governor of Georgia:

SEC. III. *Be it further enacted by the authority aforesaid*, That for each and every violation of the foregoing section, any company so violating, shall be subject not only to a forfeiture of their charter, but also to a forfeiture of all property they may have in Georgia, to be adjudged and recovered upon information filed by the Solicitor General, to the Superior Court of any county in which they may have property; and for the purpose of detaining the property until adjudication is had, the Judge of the Superior Court, upon affidavit of the Solicitor General, shall have power, either at Chambers or in open Court, to order the same attached and held in custody by the Sheriff, to answer the judgement of the Court.

SEC. IV. *Be it further enacted by the authority aforesaid*, That the capital stock of any company which may hereafter organize under the provisions of this Act, may be increased to any desirable amount, by filing a statement of such proposed increased stock, in substantial accordance with the first section of this Act.

SEC. V. All conflicting laws are hereby repealed.

Assented to March 21, 1864.

[The following Act which was passed at the regular session in November and December last, was by mistake, left out of my Pamphlet of the laws and resolutions of that session; and is, therefore, published in this—PUBLISHER.]

(No. 16.)

An Act to punish any person who may hereafter conceal, or assist any deserter in resisting a legal arrest in this State.

SECTION I. *The General Assembly of the State of Georgia do enact*, That any person who shall hereafter conceal a

deserter from the army or navy of the Confederate States, or from the militia or State forces af this State while in actual service, knowing him to be a deserter, shall be guilty of a misdemeanor; and on conviction thereof, shall be punished by fine or imprisonment in the common jail of the county, or both in the discretion of the Court; the fine not to exceed five hunnred dollars, nor the imprisonment not to exceed six months.

SEC. *Be it further enacted*, That any person who shall assist any deserter in this State in resisting a legal arrest, knowing him to be a deserter from the army or navy of the Confederate States, or from the Militia or State forces of this State, shall be guilty of a misdemeanor; and on conviction thereof, shall be punished by fine, or imprisonment in the common jail of the county, or both in the discretion of the Court; the fine not to exceed two thousand dollars, nor the imprisonment to exceed six months.

SEC. III *Be it further enacted*, That the attention of Grand Juries shall be specially called to this Act.

SEC. IV. *Be it further enacted*, That this Act shall immediately after its passage, be proclaimed by the Governor, and shall take effect ten days after such proclamation.

Assented to December 15, 1863.

RESOLUTIONS.

(No. 17.)

A Resolution in relation to the recent Military Act of Congress.

The General Assembly do resolve, That this General Assembly, declining to express any opinion as to the wisdom of the act passed by Congress enrolling such persons as had been enrolled under the State law, recommend that his Excellency interpose no obstacle to its enforcement; and the Governor is requested to open a correspondence with the Secretary of War, and request him to exonerate from the penalties of said act, such persons between the ages of seventeen and eighteen, and forty-five and fifty, who did not volunteer or enroll within the time specified, supposing their enrollment under the State law to be legal.

Having given my views upon this question in my messages to the General Assembly, and submitted it to their decision, I yield to their recommendation. this 22d March, 1861.

JOSEPH E. BROWN, Governor.

(No. 18.)

Resolutions on the Suspension of the Habeas Corpus.

The General Assembly of the State of Georgia do resolve, 1st, That, under the Constitution of the Confederate States, there is no power to suspend the privilege of the writ of *habeas corpus*, but in a manner, and to an extent, regulated and limited by the express, emphatic and unqualified constitutional prohibitions, that "No person shall be deprived of life, liberty, or property, without due process of law," and that "the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the places to be searched and the persons or things to be seized." And this conclusion results from the two following reasons: First, because the power to suspend the writ is derived, not from express delegation, but only from implication, which must

always yield to express, conflicting and restricting words. Second, because this power, being found no where in the Constitution but in words which are copied from the original Constitution of the United States, as adopted in 1787, must yield in all points of conflict to the subsequent amendments of 1789, which are also copied into our present Constitution, and which contain the prohibitions above quoted, and were adopted with the declared purpose of adding further declaratory and restrictive clauses.

2nd. That "due process of law" for seizing the persons of the people, as defined by the Constitution itself, is a warrant issued upon probable cause, supported by oath or affirmation, and particularly describing the persons to be seized, and the issuing of such warrants being the exertion of a Judicial power, is, if done by any branch of the government except the Judiciary, a plain violation of that provision of the Constitution which vests the Judicial power in the Courts alone; and therefore all seizures of the persons of the people, by any officer of the Confederate Government, without warrant, and all warrants for that purpose from any but a Judicial source, are, in the judgment of this General Assembly, unreasonable and unconstitutional.

3rd. That the recent act of Congress to suspend the privilege of the writ of *habeas corpus* in cases of arrests ordered by the President, Secretary of War, or General officer commanding the Trans-Mississippi Military Department, is an attempt to sustain the military authority in the exercise of the constitutional, Judicial function of issuing warrants, and to give validity to unconstitutional seizures of the persons of the people; and as the said act, by its express terms, confines its operation to the upholding of this class of unconstitutional seizures, the whole suspension attempted to be authorized by it, and the whole act itself, in the judgment of this General Assembly, are unconstitutional.

4th. That, in the judgment of this General Assembly, the said act is a dangerous assault upon the constitutional power of the Courts, and upon the liberty of the people, and beyond the power of any possible necessity to justify it; and while our Senators and Representatives in Congress are earnestly urged to take the first possible opportunity to have it repealed, we refer the question of its validity to the Courts, with the hope, that the people and the military authorities will abide by the decision.

5th. That, as constitutional liberty is the sole object which our people and our noble army have, in our present terrible struggle with the Government of Mr. Lincoln, so also is a faithful adherence to it on the part of our own Government, through good fortune in arms, and through bad, one of the greatest elements of our strength and final

success; because the constant contrast of constitutional Government on our part, with the usurpations and tyrannies, which characterize the Government of our enemy, under the ever recurring and ever false plea of the necessities of war, will have the double effect of animating our people with an unconquerable zeal, and of inspiring the people of the North more and more, with a desire and determination to put an end to a contest which is waged by their Government openly against *our* liberty and as truly, but more covertly, against their own.

Approved March 19th, 1864.

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(19)

Resolutions declaring the ground on which the Confederate States stand in this War, and the terms on which peace ought to be offered to the enemy.

The General Assembly of the State of Georgia do resolve, 1st, That to secure the rights of life, liberty, and the pursuit of happiness, "Governments were instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the *people* to alter or to abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form as shall seem to them most likely to effect their safety and happiness."

2nd. That the best possible commentary upon this grand text of our fathers of 1776, is their accompanying action, which it was put forth to justify; and that action was the immortal declaration that the former political connection between the Colonies and the State of Great Britain, was dissolved and the thirteen Colonies were, and of right, ought to be, not one independent State, but thirteen independent States, each of them being such a "people" as had the right, whenever they chose to exercise it, to separate themselves from a political association and government of their former choice, and institute a new government to suit themselves.

3rd. That if Rhode Island, with her meagre elements of nationality, was such a "people" in 1776, when her separation from the government and people of Great Britain took place, much more was Georgia and each of the other seceding States, with their large territories, populations and resources, such a "people," and entitled to exercise the same right in 1861, when they decreed their separation from the Government and people of the United States; and if the separation was rightful in the first case, it was more

clearly so in the last, the right depending, as it does in the case of every "people" for whom it is claimed, simply upon their fitness and their will to constitute an independent State.

4th. That this right was perfect in each of the States to be exercised by her at her own pleasure, without challenge or resistance from any other power whatsoever; and while these Southern States had long had reason enough to justify its assertion against some of their faithless associates, yet, remembering the dictate of "prudence" that "governments long established should not be changed for light and transient causes," they forbore a resort to its exercise, until numbers of the Northern States, State after State, through a series of years, and by studied legislation, had arrayed themselves in open hostility against an acknowledged provision of the Constitution, and had at last succeeded in the election of a President who was the avowed exponent and executioner of their faithless designs against the Constitutional rights of their Southern sisters—rights which had been often adjudicated by the Courts, and which were never denied by the abolitionists themselves, but upon the ground that the Constitution itself was void whenever it came in conflict with a "higher law" which they could not find among the laws of God, and which depended, for its exposition, solely upon the elastic consciences of rancorous partisans. The Constitution thus broken, and deliberately and persistently repudiated by several of the States who were parties to it, ceased, according to universal law, to be binding on any of the rest, and those States who had been wronged by the breach, were justified in using their rights to provide "new guards for their future security."

5th. That the reasons which justified the separation when it took place, have been vindicated and enhanced in force by the subsequent course of the Government of Mr. Lincoln—by his contemptuous rejection of the Confederate Commissioners who were sent to Washington before the war, to settle all matters of difference without a resort to arms, thus evincing his determination to have war:—by his armed occupation of the territory of the Confederate States, and especially by his treacherous attempt to reinforce his garrisons in their midst, after they had, in pursuance of their right, withdrawn their people and territory from the jurisdiction of his government, thus rendering war a necessity, and actually inaugurating the present lamentable war: by his official denunciation of the Confederate States, as "rebel" and "disloyal" States, for their rightful withdrawal from their faithless associate States, whilst no word of censure has ever fallen from him against those faithless States who were truly "disloyal" to the Union and the Constitution which was the only cement of the Union, and

who were the true authors of all the wrong and all the mischief of the separation, thus insulting the innocent by charging upon them the crimes of his own guilty allies: And finally, by his monstrous usurpations of power and undisguised repudiation of the Constitution, and his mocking scheme of securing a *Republican* form of government to sovereign States by putting nine-tenths of the people under the dominion of one-tenth, who may be abject enough to swear allegiance to his usurpation, thus betraying his design to subvert true constitutional republicanism in the North as well as the South.

6th. That while we regard the present war between these Confederate States and the United States as a huge crime, whose beginning and continuance are justly chargeable to the government of our enemy, yet we do not hesitate to affirm that, if our own government, and the people of both governments, would avoid all participation in the guilt of its continuance, it becomes all of them, on all proper occasions, and in all proper ways—the people acting through their State organizations and popular assemblies, and our government through its appropriate departments—to use their earnest efforts to put an end to this unnatural, unchristian and savage work of carnage and havoc. And to this end, we earnestly recommend that our government, immediately after signal successes of our arms, and on other occasions, when none can impute its action to alarm, instead of a sincere desire for peace, shall make to the government of our enemy, an official offer of peace, on the basis of the great principle declared by our common fathers in 1776, accompanied by the distinct expression of a willingness, on our part, to follow that principle to its true logical consequences, by agreeing that any border State, whose preference for our association may be doubted, (doubts having been expressed as to the wishes of the border States) shall settle the question for herself, by a Convention, to be elected for that purpose, after the withdrawal of all military forces, of both sides, from her limits.

7th. That we believe this course, on the part of our government, would constantly weaken, and sooner or later, break down the war power of our enemy, by showing to his people the justice of our cause, our willingness to make peace on the principles of 1776, and the shoulders on which rests the responsibility for the continuance of the unnatural strife; that it would be hailed by our people and citizen soldiery, who are bearing the brunt of the war, as an assurance that peace will not be unnecessarily delayed, nor their sufferings unnecessarily prolonged; and that it would be regretted by nobody on either side, except men whose importance, or whose gains, would be diminished by peace, and men whose ambitious designs would need cover under the ever-recurring plea of the necessities of war.

8th. That while the foregoing is an expression of the sentiments of this General Assembly, respecting the manner in which peace should be sought, we renew our pledges of the resources and power of this State, to the prosecution of the war, defensive on our part, until peace is obtained upon just and honorable terms, and until the independence and nationality of the Confederate States is established upon a permanent and enduring basis.

Approved March 19, 1864.

(No. 20.)

A Resolution approving the action of the Governor in purchasing wagons and teams for the transportation of corn from the Rail Road to indigent soldiers' families.

Resolved by the Senate and House of Representatives in General Assembly met, That the action of the Governor in the purchase of wagons and teams for the transportation of corn from the Rail Road to indigent families of soldiers, was judicious and prudent, and the purchage and payment for the same as communicated to us, meet the approval of this General Assembly.

Assented to March 18, 1864.

(No. 21.)

Whereas, Parties arrested in the State, under the different acts for the suppression of unlawfuld distillation, are frequently discharged, and the objects of the law defeated for the want of counsel to prosecute the same on the part of the State, and the fees prescribed by law in such cases being inadequate to secure the services of competent counsel. Therefore,

1*st. The General Assembly of Georgia do Resolve*, That in all cases where the parties are arrested under any of the laws for the suppression of unlawful distillation, in which summary process is provided for the suppression of the same, that the Governor be authorized to employ counsel to represent the interest of the State, and to pay them such fees for their services as in his judgement shall be reasonable and just.

Assented to March 19, 1864.

(No. 22.)

A Resolution in reference to the distribution of the relief fund for soldiers families.

Resolved, That whenever the Governor is informed that the Justices of the Inferior Court of any county in this State, shall fail or refuse to do their duty towards the citi-

zens of the county with reference to the proper distribution of the relief fund for soldiers families, that he be authorized to appoint an agent to take charge of the fund for said county, and disburse the same; Provided the person so appointed shall not be liable to military duty under the act of the Congress of the Confederate States, and provided also, that the Governor shall require such agent to enter into bond with security in such amount as he may judge proper for the faithful discharge of his trust.

Assented to March 18, 1864.

(No. 23.)

Resolutions in reference to the re-enlistment of all the Georgia Regiments.

The General Aesembly of Georgia do resolve, That the re-enlistment of all of our Georgia regiments has inspired within the bosom of every true Georgian, sentiments of the highest esteem and gratitude for the heroic endurance, fortitude and chivalry, displayed by them in this additional instance of self-sacrifice.

Resolved, 2nd, That we pledge ourselves to make all needful appropriations for the support and benefit of the destitute and suffering families of these gallant troops, so long as the exigencies of the country may require their services in the field of battle.

Assented to March 19, 1864.

(No. 24.)

Resolutions prescribing the form of the issue of State Treasury Notes under the Act of the 12th December, 1863.

WHEREAS, under an Act of the General Assembly assented to December 12th, 1863, "to provide for raising revenue for the political year 1864, and for other purposes, His Excellency the Governor is authorized to raise the money necessary to meet the appropriations for 1864, till the taxes can be collected, by negotiating a temporay loan for the amount, needed to be paid at the end of the year in currency, or if he cannot negotiate such loan, he may have issued Treasury notes of this State, payable in Confederate States Treasury notes at the end of the year, and the Confederate notes when collected for taxes, shall be deposited in the Treasury, and there remain to redeem said State notes so issued; *and whereas*, the late action of the Confederate States Congress has rendered the present issue of Confederate Treasury notes unsuitable as a currency, after the first of

April next, and it is inexpedient to borrow or use the same, and it now becomes necessary for the Governor to issue as early as possible, Treasury notes of the State of Georgia, to meet appropriations of the State, and especially to pay to the indigent soldiers' familes the first quarters' pay for their support, in accordance with the apportionment which has just been made; that these Treasury notes may be issued in accordance with the above recited Act, and that the terms of the same may be fully understood on the face of each note; be it therefore,

Resolved by the Senate and House of Representatives of the State of Georgia, That the style and form of said Treasury notes thus authorized to be issued, shall be as follows: "The State of Georgia will pay the bearer ———— dollars at her Treasury on the 25th of December next, in Confederate Treasury notes issued after the first of April 1864, if presented within three months after maturity, otherwise not redeemable except in payment of public dues."

2d. *And be it further resolved*, That when the taxes for 1864 shall have been paid into the State Treasury, His Excellency the Governor be authorized, if he thinks proper, to deposit Confederate Treasury notes of the new issue in any one of the Banks of Augusta, Savannah, Macon, Columbus and Atlanta, to redeem said State Treasury notes so issued.

Approved March 17, 1864.

(No. 25.)

Resolutions in reference to certain Battle Flags.

Whereas, Brigadier General Goode Bryan has transmitted to the State of Georgia, the battle flags of the tenth and fiftieth Georgia regiments attached to Bryan's Brigade, accompanied by statements of the various engagements in which these regiments have been engaged:

Therefore be it resolved, That the State of Georgia accepts with pride these evidences of the valor of her sons, and that the Adjutant General be instructed to arrange them in the same manner as directed by the resolutions of the last session of the Legislature in reference to similar flags.

Resolved further, That the Adjutant General be further directed to have attached the statements of the various engagements mentioned in the accompanying papers, to the flags of the regiments to which they respectively belong.

Approved to 18 March, 1864.

(No. 26.)

A Resolution expressive of the confidence of this General Assembly in the integrity and patriotism of President Davis.

Resolved, That notwithstanding the difference of opinion

entertained by members of this Legislature in reference to the wisdom and constitutionality of the recent Act of Congress suspending the privilege of the writ of *Habeas Corpus*, the General Assembly of Georgia hereby express our undiminished confidence in the integrity and patriotism of Jefferson Davis, Chief Magistrate of the Confederate States.

Assented to 19 March, 1864.

[The following resolution was passed at the regular session held in November and December last, and was, by mistake, omitted in my Pamphlet laws of that session—hence I publish it in this—PUBLISHER.]

(No. 27.)

Resolved by the General Assembly of the State of Georgia, In response to the law of the Confederate Congress, inviting the several States to specify what State officers shall be exempt from conscription; That all civil and military officers of this State, shall be so exempt.

Approved December 14, 1863.

APPENDIX.

The following is a copy of the act of Congress, under which persons in the military service of the Confederacy, who have been elected or appointed to certain civil offices in this State, may obtain a discharge from the army, viz:

"*The Congress of the Confederate States of America do enact*, That any officer, non-commissioned officer or private, now in the military service of the Confederate States, who has been elected or appointed since entering said service, or who may hereafter be elected or appointed, a *Senator* or *Representative in Congress*, or in any *State Legislature*, a *Judge* of the *Circuit*, *District* or *Superior Courts* of law or equity in any State of the Confederacy, *District Attorney*, *Clerk of any court of Record*, *Sheriff*, *Ordinary*, *Judge of any Court of Probate*, *Collector of State taxes* not to exceed one for each county, *Parish Recorder*, upon furnishing the Secretary of War with evidence of such election or appointment, if an officer, his resignation shall be promptly accepted, and if a non-commissioned officer or private, he shall be honorably discharged by the Secretary of war. Approved April 2d, 1863."

Under the above act, the following named officers, when elected or oppointed, as contemplated in the act, in Georgia, may claim a discharge from the military service of the Confederacy, to-wit:

1st. Members of Congress.

2d. Members of the Legislature.
3d. Judge of the Superior Courts.
4th. Attorney General, or Solicitor General.
5th. Clerk of the Supreme Court.
6th. " " " Superior Courts.
7th. " " " Inferior Court.
8th. " " Any City Court, (*if a court of record.*)
9th. Sheriff.
10th. Ordinary, and
11th. Tax Collector.

The Secretary of War has refused, on an application formally made, to discharge a *Receiver of Tax Returns;* and, from the same reasoning, it is not probable that he will discharge a person who is in the service on being elected or appointed *County Surveyor, Coroner, County Treasurer, Justice of the Inferior Court,* Justice of *the Peace, Constable,* Deputy Clerk Superior *or Inferior Court,* Deputy Clerk of Court of Ordinary, or Deputy Sheriff. The Secretary refused to discharge Receivers of Tax Returns, on the ground that no such officer was named in said act, nor embraced in its spirit or meaning. Hence, it will be useless to obtain certificates of election to the latter named offices, with a view to forwarding them to the War Department to obtain a discharge. COMPILER.

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